

3:10-MC-104

FILED
CHARLOTTE, NC

AUG 16 2010

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

RESOLUTION
Dedicating and Naming the Robert D. Potter Courtroom
Charles R. Jonas Federal Building and United States Courthouse
Charlotte, North Carolina
August 19, 2010

WHEREAS

The Honorable Robert D. Potter was appointed by President Ronald Reagan and confirmed by the United States Senate to serve as a United States District Judge on October 11, 1981; and

WHEREAS

Judge Potter drew on his background of faithful service to the community, including service as Chairman of the County Commission of Mecklenburg County, and to his clients in the private practice of law, to serve ably and well in the capacity of United States District Judge for nineteen years, including seven years' service as Chief Judge, until his retirement on December 31, 2000; and

WHEREAS

Judge Potter garnered the respect and admiration of all who came in contact with him because of his diligence in comprehending the full scope of the cases over which he presided, his wisdom and commitment to the truth in his cases, and to fairness and justice in the disposition of all matters both civil and criminal; and

WHEREAS

In his relationships with court personnel, litigants, lawyers, and the public Judge Potter was known for his personal warmth, courteous demeanor, and breadth of understanding of human nature, including the lighter side of life and law; and

WHEREAS

The essence of Judge Potter's fullness of character as a judge and citizen was readily observed in his devotion to his family members, and also to the Court family; and

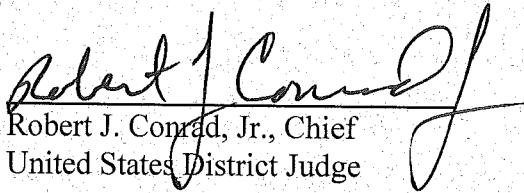
WHEREAS

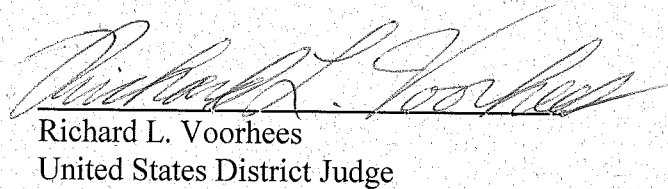
The judges of the United States District Court for the Western District of North Carolina, remembering that Judge Potter served in all four federal courthouses within the Western District as needs required, but presided continually in the larger, ceremonial courtroom in Charlotte, are unanimous in their desire to recognize his service and achievements in a manner appropriate to the esteem in which he is held; therefore, we, the Board of Judges

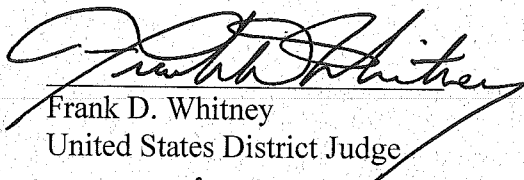
DO HEREBY RESOLVE:

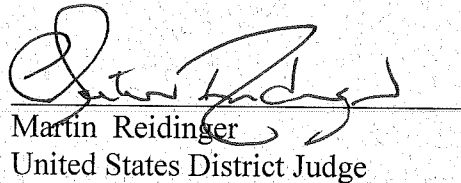
That the Ceremonial Courtroom in the Charles R. Jonas Federal Building and United States Courthouse be, and the same is hereby dedicated to the memory of the Honorable Robert D. Potter, and said courtroom shall be known hereafter as the Robert D. Potter Courtroom.

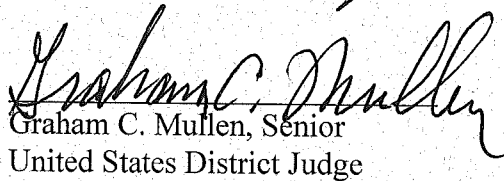
In witness whereof, with the concurrence of the General Services Administration and the Administrative Office of the United States Courts, the judges of this Court have affixed their signatures herein below, this nineteenth day of August in the year two thousand and ten.


Robert J. Conrad, Jr., Chief
United States District Judge


Richard L. Voorhees
United States District Judge


Frank D. Whitney
United States District Judge


Martin Reidinger
United States District Judge


Graham C. Mullen, Senior
United States District Judge

RESOLUTION AND MEMORIAL FOR JUDGE ROBERT DANIEL POTTER

May it please these Courts:

It is my great honor to present this Resolution and Memorial on behalf of the Mecklenburg County Bar and the Bar of the United States District Court for the Western District of North Carolina, before the Honorable Eric L. Levinson, Resident Superior Court Judge, 26th Judicial District; and the Honorable Robert J. Conrad, Jr., Chief United States District Judge of the Western District.

The Honorable Robert Daniel Potter of Charlotte, Senior United States District Judge for the Western District of North Carolina, died Thursday, July 2, 2009 at Carolinas Medical Center. He was preceded in death by his parents and his brother, Dr. E.L. Potter, Jr. of Charlotte.

Judge Potter was a man of deep humility, integrity and courage, and had a sense of humanity and enjoyment of life that was known to those who knew him well. He is survived by his wife of fifty-six years, Kathleen, his son, Robert D. Potter, Jr. and his two daughters Mary Potter Summa and Ann Potter Gleason, as well as their husbands, lawyers Philip Summa and Robert J. Gleason and nine grandchildren. He also is survived by his niece Mary Joan Morris and her husband.

The best that a father can be is a good example. That Bob Potter succeeded in fulfilling this maxim is shown by the fact that all three of his children are lawyers and members of the Mecklenburg County Bar, as are his two sons-in-law. That is a legacy in our profession that can be claimed by very few members of our Bar.

Judge Potter came from humble origins, as was typical of his generation in the South. His grandfather was an illiterate tenant farmer in Columbus County. Bob's father left home at age fifteen, put himself through business school, and joined the Atlantic Coast Line Railroad in Wilmington. He eventually became the Auditor of Disbursements for the Atlantic Coast Line Railroad, in the era when that railroad was the major employer in Wilmington.

Judge Potter was born in Wilmington on April 4, 1923. He attended St. Mary's grade school. He graduated from New Hanover High School in Wilmington. He is one of the many luminaries among the graduates of that high school who have graced our State over many decades. In his youth, he loved riding trains, playing tennis, and enjoyed dancing at the legendary, gone-but-not forgotten Lumina Pavilion on Wrightsville Beach near Wilmington. He delivered newspapers and worked for the railroad before leaving Wilmington when he went off to college.

As one of the Greatest Generation, Judge Potter served as an officer in the United States Army from 1944 through 1946. After mustering out of the service, he returned to Duke University and graduated Phi Beta Kappa in 1947, subsequently graduating from Duke Law School.

In 1951, he began the practice of law in Charlotte. After five years in partnership with B. Irvin Boyle, he opened a solo practice in the Law Building in Charlotte, which he continued until he became a federal judge in 1981.

Judge Potter believed that representative government would only function as intended if capable citizens were willing to offer for elected office. Consistent with that belief, in 1966 he ran for and was elected to a two-year term on the Mecklenburg County Commission.

On what was then a five-member Board of Commissioners, all elected at large, he was one of four Republicans, along with Davidson professor, future Member of Congress, and North Carolina Governor Jim Martin. In that 1966 election, he and his fellow Republicans were the first of their party elected to the Mecklenburg County Commission since the turn of the Twentieth Century. He served until 1968, when the demands of a young family and a successful law practice caused him not to run again.

In 1981, on the recommendation of Senator Jesse Helms, Judge Potter was nominated by President Ronald Reagan to be an Article III federal judge, with his chambers in Charlotte. He later served as Chief Judge of the Western District for many years until he retired on December 31, 2000. At the time, he was the first Roman Catholic to be a federal judge in North Carolina in the past century.

His devotion to public duty was also manifested in his presidency of the Myers Park Civitan Club and as a board member of Mercy Hospital and Christendom College. He was an active member of the Charlotte City Club. He received many honors for distinguished civil and religious accomplishments, including the Order of the Long Leaf Pine conferred on him in 1991, and an honorary Doctor of Law from Sacred Heart College.

On occasion, Judge Potter shared with his family and other lawyers his copy of the 1953 Charlotte Telephone Directory, which listed all the Charlotte attorneys on a single page of the Yellow Pages. The largest firm in town at that time had four lawyers. Virtually the whole Bar practiced in offices in the Law Building on East Trade Street.

The term Southern Gentleman is overused to the point that it can be trite, but it aptly describes Judge Potter. He was courtly without being stuffy. I do not recall ever seeing him not wearing a coat and tie, even on his frequent breakfasts at Charlotte Café and suppers at the Southpark S&W Cafeteria, with Kathleen, even after his retirement.

Judge Potter was a very devoted Roman Catholic. He shared with our mutual Dukie, Coach K, the life-long devotion to his faith of attending mass on a daily basis. When he passed away, there were thirteen clergy who conducted his funeral service, including his Bishop and his Archbishop.

I hope you will indulge me with a few personal reflections. I first got to know Bob Potter when I worked in the Duke Power Legal Department, after getting out the Army, in the mid- to late-seventies. He often lunched with his good friend, the late Bill Ward, who was Duke Power's Chief Trial Counsel. Even though I was a greenhorn, they occasionally let me tag along. I learned more about the practice of law, and about life, from listening to their repartee than I ever did in law school. They often made great sport challenging another Duke Power lawyer, but only when he was present. This fine fellow was not only a Harvard liberal, he was a Unitarian. Bob and Bill Ward were neither. I remember in particular when Bob Potter said to him, "We Christians have the Ten Commandments. You Unitarians only have the ten suggestions."

When Judge Potter retired at the end of the year 2000, I wrote him a personal note thanking him for his service, his many kindnesses, his efforts to protect and advance the interests of our community, and his stellar example of what a lawyer, and a man, should be. He wrote me back in a letter dated January 16, 2001 and made a comment all of you will appreciate:

...I'll really miss this job. It could not have been any more pleasant, and I would like to do it all over again."

He also added these words in his letter to me:

I'll never forget your having four discrimination cases in a row in the "Van Hoy Memorial Courtroom" on the first floor.

His comment bears an explanation. In September of 1985, when I was in solo practice, the luck of the draw had me on the court calendar to defend all four civil jury cases in the two-week term. I urged Judge Potter to continue two of them, particularly since I had my brief on the merits due to the United States Supreme Court at the end of the same month.

He rejected my request, with the comment that "this will build character".

Three of the cases were tried to the jury, and fourth would have been had the two-week term not run out. As usual, Judge Potter was right – it did build character. In the twenty-five years since then, whenever I have felt overburdened with professional obligations, I need only recall September of 1985 to know that I can and will do whatever needs to be done.

The following month, I was in Judge Potter's courtroom with various other lawyers to argue motions. When I entered the courtroom, he stated to all in attendance, pointing at me, "There is Phil Van Hoy. This courtroom is named for him, as the Van Hoy Memorial Courtroom, because I killed him here last month."

A final personal story is in order: Judge Potter graced me with invitations to the Fourth Circuit Judicial Conference his first three years on the bench, by virtue of which I became a permanent member of the Judicial Conference, eligible to attend in perpetuity as what is known as a Permanent Member. Some years later, he and I were in front of the Greenbrier awaiting the delivery of our cars from valet parking (which is the only parking they have at that resort). The occasion gave me the opportunity to thank Judge Potter again for enabling me to be a Permanent Member of the Fourth Circuit Judicial Conference.

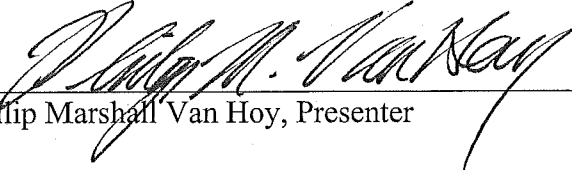
He replied, "You need not thank me now. You are in for life."

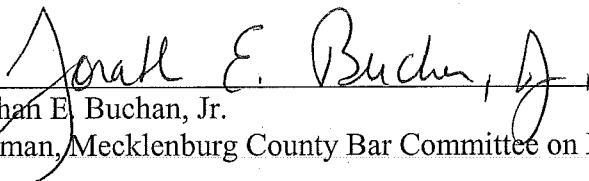
I responded, "Judge Potter, you have uttered that phrase to many people, but I am the only one grateful to hear it."

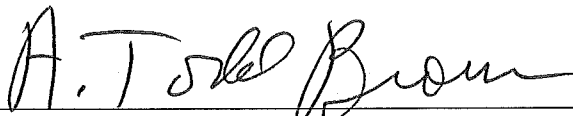
Your Honors, with a deep sense of admiration and gratitude for his life, we the undersigned respectfully move:

1. When these State and Federal Courts adjourn this date, they do so in memory of, and out of respect for, the Honorable Robert Daniel Potter;
2. That the original of this Resolution and Memorial be received by the Mecklenburg County Superior Court and the United States District Court for the Western District of North Carolina and be inscribed in the permanent records of these courts; and
3. That copies of this Resolution and Memorial be delivered to the members of the family of Judge Potter.

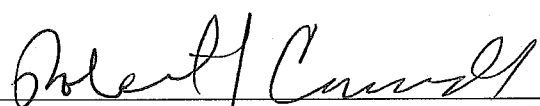
Respectfully submitted, this the 19th day of August, 2010.

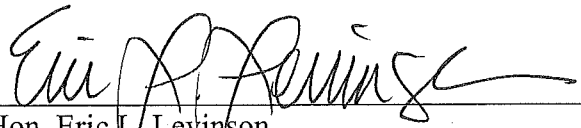

Philip Marshall Van Hoy, Presenter


Jonathan E. Buchan, Jr.
Chairman, Mecklenburg County Bar Committee on Memorials


A. Todd Brown, President, Mecklenburg County Bar

The foregoing Resolution and Memorial in honor of Judge Robert Daniel Potter is hereby accepted and approved in all respects. It is so Ordered this 19th day of August, 2010.


Hon. Robert J. Conrad, Chief Judge
United States District Court, Western District of North Carolina


Hon. Eric L. Levinson
Resident Superior Court Judge, 26th Judicial District, Mecklenburg County Superior Court

*United States District Court
Western District of North Carolina
Charles R. Jonas Federal Building
401 West Trade Street, Room 250
Charlotte, NC 28202*

*Chambers of
Robert D. Potter
Senior Judge*

January 16, 2001

*Phone # (704) 350-7460
Fax # (704) 344-6703*

Mr. Philip M. Van Hoy
Van Hoy, Reutlinger & Adams
Attorneys at Law
737 East Boulevard
Charlotte, NC 28203

Dear Phil:

Thank you so much for your letter of January 12. It was very good of you to take the time to write.

I'll really miss this job. It could not have been any more pleasant, and I would like to do it all over again. I'll never forget your having four discrimination cases in a row in the "Van Hoy Memorial Courtroom" on the first floor.

Give our best to Sylvia.

Warm regards and best wishes to you both.

Sincerely,



ROBERT D. POTTER

RDP/lmc